

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHELLE GARCIA and ROBERT GARCIA,
as parents and next friends of a minor,
YZETTA MARTINEZ,

Plaintiffs,

vs.

Civ. No. 00-773 JC/DJS ACE

TONY TORRES, in his individual and
official capacities,

Defendant.

REPORT AND RECOMMENDATION

On January 15, 2002, I conducted a hearing attended by counsel for the parties, the minor Plaintiff, the minor Plaintiff's parents, and the Guardian ad Litem. I received oral reports from counsel for Plaintiffs and Defendant, as well as additional comments from the Guardian ad Litem who had supplied the Court with a copy of her report.

This lawsuit involves allegations of sexual harassment brought by a fourteen year old school girl against one of her teachers who also happened to be her cousin. There was a substantial question as to whether the actions complained of would be actionable sexual harassment. Additionally, any compensatory damages appear to be quite limited. Given the parameters of the case, I find that the proposed settlement is fair and adequate. The Guardian ad Litem and counsel for Plaintiffs have submitted orders to me concerning the fairness question; however, any order that is entered resolving this question should be entered by the presiding judge

in the case. I am submitting the proposed orders directly to the trial judge so that he may refer to them when he enters his order.

RECOMMENDATION

I recommend that the proposed settlement be accepted and approved by the Court.


UNITED STATES MAGISTRATE JUDGE